32
33. A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is YFP.

33
34. A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is RFP.

## Remarks

The present amendment accompanies a divisional application filed under 37 C.F.R. 1.53(b) of United States Serial Number 09/076,624 filed 5/12/1998. Claims 16-22 and new claims 30-34 are pending and are presented for consideration. For the Examiner's convenience a copy of the pending claims with "Version showing changes made" are appended hereto.

To assist the Examiner's review, the relevant history of claims follows. During the prosecution of 09/076,624, the parent of this application, a first restriction requirement was received from the Examiner in an Office Action dated May 4, 1999. Applicants elected claims 1-15 and 23-26 drawn to "A method of screening agents for bioactive agents capable of inhibiting an IL-4 inducible....said method comprising: a) combining....." in a Response dated 6/25/99. In response to a substantive office action dated 12/22/99 (Paper No. 13), Applicants amended the claims to recite "A method of screening agents for bioactive agents that inhibit an IL-4....said method comprising: a) contacting....." (Response of 6/22/00). In response to a Final Office Action dated 9/12/00 (Paper No. 18), Applicants argued the rejections cited by the Examiner in conjunction with filing a Notice of Appeal (Response of 1/12/01). In a subsequent Office action

dated 2/5/01 (Paper No. 22), the finality of the Office Action was withdrawn by the Examiner in light of new references applied and claims 1-15 and 23-26 were still under consideration. In a Response dated 7/5/01, Applicants canceled claims 14 and 15 and further amended claim 1 to include a limitation " and wherein said detecting is done using a FACS machine". Additionally, Applicants also added a new claim 29 (mistakenly numbered as 27 in the 7/5/01Response and will be subsequently corrected) reciting "A method of screening agents for bioactive agents that inhibit an IL-4....and wherein said cell line used for screening is selected from the group consisting of CA-46 and MC-116". Hence, Claims 1-13 and 23-26 and 29 are pending in this case.

Applicants have chosen to pursue claims16-22 reciting "A method of screening agents for bioactive agents capable of modulating IgE production ...." in the present divisional application. Support for new claims are found throughout the specification: for example, support for claims 30-34 is found on page 37, line 1-9 and in the claims as filed. Entry of this amendment is respectfully requested.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-66038-1/RMS/JJD/DLR).

On the basis of the amendments and remarks presented herein, Applicants believe that this application is now in condition for immediate allowance. Applicants respectfully request that the Examiner pass this application to issue, and an early notice of such is requested. Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

**Serial No.:** Not Assigned
**Filed:** Herewith

Respectfully submitted,

FLEHR HOHBACH TEST
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Date: September 25, 2001

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1063013

**Serial No.:** Not Assigned
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**Appendix with Pending Claims (Version showing changes made)**

16. A method of screening for bioactive agents ~~capable of modulating~~ that modulates IgE production, said method comprising:

a) ~~combining~~ contacting a candidate bioactive agent and a cell ~~capable of~~ expressing IgE;

b) determining the amount of IgE produced in said cell;

wherein a change in the amount of IgE as compared to the amount produced in the absence of said candidate agent indicates that said agent modulates IgE production.

17. A method according to claim 16 wherein said modulation is a decrease in the amount of IgE

18. A method according to claim 16 wherein said cell comprises a IgE fusion protein comprising:

a) ~~the~~ an $\epsilon$ heavy chain; and

b) a fluorescent protein.

19. A method according to claim 16 wherein said combining is done by introducing a retroviral vector comprising nucleic acid encoding said candidate bioactive agent to said cell.

20. A method according to claim 19 wherein a library of retroviral vectors comprising a library of candidate bioactive agents is added to a population of cells.

21. A method according to claim 19 wherein said retroviral vector further comprises nucleic acid encoding a fluorescent label and wherein said nucleic acid further comprises a detection gene.

22. A method according to claim 16 wherein said detecting is done by the addition of a fluorescent antibody against IgE.

30. (New) A method according to claim 18 wherein said fluorescent protein is GFP.

31. (New) A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is GFP.

32. (New) A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is BFP.

33. (New) A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is YFP.

34. (New) A method according to claim 21 wherein said detection gene is a fluorescent protein gene and wherein said fluorescent protein gene is RFP.